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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,081	08/06/2001	Scott J.F. Zogg	00CR156/KE	1496

7590 12/29/2005
Kyle Eppele
Rockwell Collins, Inc.
Attention: Kyle Eppele
400 Collins Rd. NE M/S 124-323
Cedar Rapids, IA 52498

EXAMINER

MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/923,081

Applicant(s)

ZOGG ET AL.

Examiner

Michael J. Moore, Jr.

Art Unit

2666

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-12,14 and 16-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Michael J. Moore, Jr. **MM**
Examiner
AU 2666

Continuation of 3. NOTE: The amendment made to independent claim 10 raises new issues that require further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claims 1, 10, and 14, Applicant argues that the unequal error protection applied to different classes of bits as taught in Krishnarajah et al. (U.S. 2003/0081592) does not teach identifying important bits that must be received for successful transmission to be placed on a stream having a higher quality of service. Applicant further argues that Krishnarajah et al. teaches away from the methods of claims 1, 10, and 14, through the use of unequal error protection.

However, as provided in the previous Office Action, Krishnarajah et al. teaches on page 4, paragraph 48, how high priority, high QoS, and/or important bits are identified and appropriately handled without having to treat all of the data in a payload using a higher treatment class.

Krishnarajah et al. also teaches on page 6, paragraph 58, how unequal error protection is applied to different classes of bits based upon which of these bits cause corruption to a particular frame.

Krishnarajah et al. further teaches on page 6, paragraph 59, how a transport channel (stream) is established per each class of bits and is configured in accordance with the necessary characteristics, QoS, error protection class, or other treatment to be supported for that particular class of bits. Important bits that affect the successful reception of a frame are therefore mapped to a channel providing higher error protection (higher QoS) to ensure minimum errors in these bits. Mapping these important bits to a channel providing higher error protection provides higher QoS as there will be a lower amount of errors in these bits.

It is held that Krishnarajah anticipates claims 1, 10, and 14.

Regarding claim 9, Applicant argues that Krishnarajah et al. does not provide motivation to improve the signal quality as much as 2dB to 5dB.

However, as provided in the previous Office Action, Krishnarajah et al. does teach how important bits are identified and appropriately handled without having to treat all of the data in a payload using a higher treatment class in order to conserve bandwidth on page 4, paragraph 48. Krishnarajah also teaches that unequal error protection is employed in a way that is transparent to routers and intermediate nodes so that forwarding speed/performance is not impacted on page 4, paragraph 48. It is held that it would have been obvious to someone skilled in the art to use the packet classification and unequal error protection teachings of Krishnarajah in order to improve the signal quality to some degree.

Regarding claim 16, Applicant argues that Krishnarajah et al. does not provide teaching that sounds beyond the range of human hearing, sounds overwhelmed by other sounds for audio transmissions, white lines or extremely fine detail within an image, white lines between lines of text on a page, and identically shaded pixels within an image should be identified as less important.

However, as provided in the previous Office Action, Krishnarajah et al. does teach the dividing of payload data into different classes of treatment based upon importance of the individual bits on page 1, paragraph 7. It is held that it would have been obvious to someone skilled in the art to use the teachings of Krishnarajah to identify the above types of bits as less important bits in order to allow more important bits to be transmitted more efficiently.

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12/23/05

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